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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,745	09/17/2003	Klaus Hillgaertner	028987.52501US	2634

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CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

EXAMINER

BOSWELL, CHRISTOPHER J

ART UNIT	PAPER NUMBER
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3676

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/663,745

Applicant(s)

HILLGAERTNER, KLAUS

Examiner

Christopher Boswell

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,10-12,14-16,18-20,22-24 and 32-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-5,10-12,14-16,18-20,22-24 and 32 is/are allowed.
- 6) ☒ Claim(s) 33-37 and 39-43 is/are rejected.
- 7) ☒ Claim(s) 38 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 33-37 and 39-43 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 5,860,684 to Mizuki.

Mizuki discloses a locking device for a vehicle door, comprised of an inside door panel (62) and an outside door panel (surface of element 1) fastened together, comprising a lock (15) fastenable to the inside door panel between the inside panel and the outside door panel and having a release lever (42) for moving the lock from a locking position thereof, an outside operating mechanism (figure 2) arranged to act upon the release lever via a force transmission element and comprising a supporting part (14) fastenable to an interior side of the outside door panel and a swivelable pull handle (5) disposed on an exterior side of the outside door, and a catching device (17) arranged adjacent to the lock inside the vehicle door so as to be interactable with the supporting part during a defined transverse acceleration acting upon the vehicle (element 17 secures the supporting part to the outside door panel), and thereby to limit bulging of the outside door panel away from the inside door panel exteriorly of the door (column 3, lines 60-64; wherein the inner door panel is attached to the outer door panel), as in claim 33.

Mizuki also discloses the catching device comprises a catch pin (fastening element 17 functions as a catch pin), as in claim 34, and the catch pin being constructed in one piece with

Art Unit: 3676

the supporting part (elements 14 and 17 are secured together to produce a result of an integral construction), as in claims 35, as well as the catch pin being formed by a separately manufactured part that can be fastened to the supporting part (figure 2), as in claim 36, wherein the catching device being a catch pin (17), that extends in a longitudinal direction of the vehicle (where the head of the fastening means extends in a longitudinal direction to ensure the supporting part does not separate from the outer door panel), and a holding part (portion of element 14 that surrounds element 17), that is aligned in a transverse direction of the vehicle, and has a receiving device (bore in which element 17 extends) that surrounds the catch pin, as in claims 37.

Mizuki further discloses the holding part is formed by a molded-on lug of an interior door reinforcement (bore within element 14), as in claim 39, and where the holding part is formed by a bent-away lug of the lock (figure 2), as in claim 40, as well as the holding part being fastened to the inside panel (figure 2), as in claim 41, wherein the catch pin protrudes through the receiving device of the holding part and projects beyond the receiving device on both sides (figure 2), as in claim 42, and the outside panel is fastened at its outer edge to an outer edge of the inside panel (column 3, lines 60-64; where the outer edges of the inner panel is attached to the interior surface of the outer panel), as in claim 43.

Allowable Subject Matter

Claims 1, 3-5, 10-12, 14-16, 18-20, 22-24 and 32 are allowed.

Art Unit: 3676

Claim 38 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The claims are allowable over the prior art of record because the teachings of the references taken as a whole do not teach or render obvious the combination set forth, including that of the catching device comprising a catch pin extending in a longitudinal direction of the vehicle and a holding part that is aligned in a transverse direction of the vehicle and a receiving device surrounding the catch pin, where in an inoperative normal locked position of the vehicle door, the receiving device of the holding part extends at a radial distance from the interior catch pin, whereas, starting from a defined lateral acceleration acting upon the vehicle, the catch pin is locally supported on the outer edge of the receiving device.

Response to Arguments

Applicant's arguments filed December 7, 2006 have been fully considered but they are not persuasive. In regards to the argument that Mizuki does not disclose a locking device that is capable of limiting the outer panel from bulging outwardly of the vehicle during a defined acceleration, the examiner states that the current recitation of the aforementioned limitation is considered an intended use of the locking device, as there is no claimed structure that effects the bulging of the door panel. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a

Art Unit: 3676

prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

Regarding the argument that element 62 of Mizuki is not an inside door panel, the examiner respectfully disagree. Though element 62 is not the innermost panel of the door, it is a panel ^{that} ~~the~~ is in the interior of the door, making it an inside door panel.

In regards to the argument that element 17 of Mizuki is not intended to or can prevent bulging of the door panels during high lateral accelerations, the examiner points to the claimed limitation does not recite an interaction between the catching device and the inside door panel. Furthermore, as the inside door panel is completely attached to a portion of the outside door panel allowing for both panels to bulge as a unitary piece.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 3676


however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (571) 272-7054. The examiner can normally be reached on 9:00 - 4:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher Boswell
Examiner
Art Unit 3676

CJB 
March 2, 2007


Suzanne Dino Barrett
Primary Examiner